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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Wylie et al.

Serial No. 10/081,357

Examiner: Justin R. Fischer

Filed: February 22, 2002

Group Art Unit: 1733

For: Screen Cloth Insertion Apparatus and Method

CERTIFICATION UNDER 37 CFR § 1.10

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Date

April 23, 2004

By

Steven E. Koffs

Steven E. Koffs, Registration No. 30763

Mail Stop Non-Fee Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Official Action dated March 23, 2004.

The Commissioner for Patents is authorized to charge Deposit Account No. 04-1679 for any fees associated with this communication.

The Examiner requires an election from among five (5) groups of claims defined by:

- (1) Claims 1-8, covering a method for securing a ventilation cloth to a screen frame in class 156, subclass 160;
- (2) Claims 9-13 covering a method for securing a ventilation cloth to a screen bar segment in class 156, subclass 160;
- (3) Claims 14-35, covering a ventilation cloth apparatus, in class 156, subclass 379.8;
- (4) Claims 36-38, covering a cart for transporting a frame, in class 280, subclass 47.17; and
- (5) Claims 39-50, covering a method for forming a screen/frame assembly, classified in class 156, subclass 160.

Applicants hereby elect Group 1, claims 1-8, covering a method for securing a ventilation cloth to a screen frame in class 156, subclass 160.

This election is made with traverse.

Applicants respectfully request that the restriction requirement be modified as follows:

- (I) Claims 1-13, and 39-50 covering a method for securing a ventilation cloth to a screen frame or screen bar or forming a screen/frame assembly in class 156, subclass 160;
- (II) Claims 14-35, covering a ventilation cloth apparatus, in class 156, subclass 379.8; and
- (III) Claims 36-38, covering a cart for transporting a frame, in class 280, subclass 47.17.

Specifically, Applicants request that the groups 1, 2 and 5 identified in the Action be examined together.

M.P.E.P. § 803 requires that, "There must be a serious burden on the examiner if restriction is required."

In his rationale for the restriction requirement, the Examiner indicates, "It is evident that invention I does not require a melting step, ... and Invention II does not require the screen frame be oriented in a vertical position." Applicants agree that claim 1 does not require a melting step, and claim 8 does not require a vertical position. Nevertheless, claim 2 does require melting the adhesive, and claims 12-13 require orienting the screen frame in a vertical position.

Therefore, any reasonable search of the group including claims 1-8 is required to include searching for the existence of prior art teaching a step of melting of an adhesive, in order to examine claim 2. Further any reasonable search of the group including claims 9-13 is required to include searching for prior art teaching a step of orienting the screen frame in a vertical position, in order to examine claims 12 and 13.

With respect to claims 39-50, the Action states that, "Invention I does not require a preheated adhesive or a plurality of pins." Applicants agree that claim 1 does not require a preheated adhesive or a plurality of pins. Nevertheless, claim 3 requires melting the adhesive

and claim 5 requires pushing the screen into the adhesive with an elongated insertion member. Applicants submit that an examination of claims 3 and 5 will require the search to look for prior art that teaches melting an adhesive and for prior art that teaches pushing the screen into the adhesive with an elongated insertion member. Although the limitations are not identical, they are related in terms of how a search is performed. Therefore, since the Examiner will be searching for melting adhesive to examine the group including claims 1-8, it will not pose any serious burden on the examiner to search for preheating adhesive. Similarly, since the Examiner will be searching for pushing screen into adhesive with an elongated insertion member to examine the group including claims 1-8, it will not pose any serious burden on the examiner to search for pushing with a plurality of pins.

Furthermore, all of claims 1-13 and 39-50 are classified in the same class and subclass. Therefore, search and examination of these claims would all involve searching through references in the same art areas.

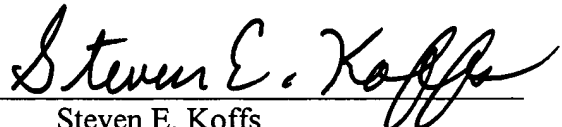
Therefore, there would be no serious burden on the Examiner in searching or examining both groups of claims.

Modification of the restriction requirement is respectfully requested. Applicant respectfully requests that claims 1-13, and 39-50 be examined in this application.

Date: April 23, 2004

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Respectfully submitted,


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